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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2016/ 2017 SESSION

UCR 2622 – CRIMINAL LAW II

(All Sections / Groups)

6 MARCH 2017

Reading Time : 2.30 pm – 2.45 pm
(15 Minutes)

Answering Time: 2.45 pm -5.45pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 3 pages with 5 Questions only.
3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given. **Offences covered under UCR 2612 (Criminal Law I) must not be discussed here.**
4. Students are allowed to bring into the Examination Hall a CLEAN and ORIGINAL copy of:
 - i. Penal Code (Revised –1997).Students are not allowed to lend or borrow statute(s) during the Examination.
5. Please write your answers in the Answer Booklet provided.

QUESTION 1

John aged 21 met Ally, aged 13 through a social website called "Playbook." They chatted every day for 3 months and became very close. One day, John proposed to Ally to become his girlfriend. Ally was excited and agreed to become John's girlfriend. John persuaded Ally to meet him so that he would be able to see her face- to -face. Ally decided to meet John but told her mother, Layla that she would be going to the nearest shopping mall to meet her best friend, Dolly.

Layla consented and dropped Ally at the shopping mall. Ally then met John at the shopping mall's carpark and John drove her off to his house. As soon as they reached his house, John brought her into his bedroom and Ally consented to have sexual intercourse with him.

Ally did not return home by 8pm and Layla got worried. Layla decided to call Dolly's mom, Renata to find out about her daughter's whereabouts. Layla was informed that Ally never went out with Dolly but was with John. Layla informed the police and John was immediately detained. It was evident that John was mentally unstable.

Discuss John's liability

(Total: 25 marks)

QUESTION 2

Bob and Bane are best friends and they decided to go on a short holiday. One night, Bob and Bane went down the hotel's bar and drank some alcohol. They met a young woman named, Jessabelle at the bar and invited her over to their hotel room. Jessabelle agreed and followed Bob and Bane to their hotel room.

Bob tried to make sexual advances to Jessabelle but Jessabelle refused. Jessabelle said that she would only have sex with Bane but not with Bob. Bob felt humiliated and forced himself on her. She tried to resist and run but Bane locked the door. Bob then grabbed her and threw her on the bed. Jessabelle was just too weak to go against Bob and he had sexual intercourse with her.

Bane cheered as Bob had the sexual intercourse with her. The next day, Bane and Bob were arrested after Jessabelle made a police report.

Discuss Bob and Bane's criminal liability.

(Total: 25 marks)

Continued...

QUESTION 3

Patrick was walking one night in the park. Suddenly three men dressed in black sprang from a nearby bush and demanded for his wallet. One of them tried to slash Patrick's hand and said the next time he would really slash Patrick. This frightened Patrick and he gave them his wallet but managed to punch one of attackers who fell to the ground. Patrick took this opportunity to escape as the other attackers tried to help the injured man to his feet.

- a) Discuss the criminal liability of the attackers.

(12.5 marks)

- b) Discuss the **defence** that Patrick could raise should he be charged for causing hurt and explain to him when he will be prevented from relying on this defence.

(12.5 marks)

(Total: 25 marks)

QUESTION 4

Dr. Soon was a successful doctor who worked very late every night. One day Juan, Drex and Troy waited for him to finish work and without his knowledge they followed him home and they climbed into his garden and hid in the gardener's room till it became dark. Two hours later, Dr. Soon came to his room to search for his missing cat and Juan pointed a knife at him. This terrified Dr. Soon who gave him his wallet. They tied him up and left him in the room.

All the three men later entered his house and they told Dr. Soon's wife and daughter to be still. Mrs. Soon scolded Drex, so he broke her laptop which was on her table. They then ransacked the house and took several expensive items and some savings. Several days later, Troy gave RM 5,000.00 which they took from Dr. Soon's house to his girlfriend, Tracy who was proud that Troy could obtain so much of money without actually working for it. Several days later, all of them were arrested.

- a) Discuss the criminal liability of all parties.

(20 marks)

- b) What would Drex's position be if he states that Juan forced him to carry the wrongful acts?

(5 marks)

(Total: 25 marks)

Continued...

QUESTION 5

Section 34 reads as follows:

When a criminal act is done by several persons, in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if the act were done by him alone.

- a) Explain by citing relevant authorities the legal implication of this section.

(12.5 marks)

- b) *The Penal Code does NOT punish Aiders and Abettors.*

Discuss the accuracy of this statement by referring to s 120A **OR** s 107.

(12.5 marks)

(Total: 25 marks)

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